

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

AUBREY LEE CHRISTIAN (#722265),

Plaintiff,

v.

Case No. 2:13-cv-13931  
Judge Stephen J. Murphy, III  
Magistrate Judge Anthony P. Patti

DANIEL L. DUCATT, *et al.*,

Defendants.

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**ORDER GRANTING PLAINTIFF'S APRIL 6, 2015  
REQUEST (DE 75) and DIRECTING SERVICE OF  
PLAINTIFF'S AMENDED COMPLAINT (DE 76) UPON  
CERTAIN DEFENDANTS**

Aubrey Lee Christian (#722265) is currently incarcerated at the MDOC's Gus Harrison Correctional Facility (ARF). See [www.michigan.gov/corrections](http://www.michigan.gov/corrections), "Offender Search." On September 13, 2013, while incarcerated at the MDOC's Lakeland Correctional Facility (LCF), Christian filed the instant lawsuit against multiple defendants. DE 1.

Plaintiff filed an amended complaint on July 15, 2014. DE 29. However, on February 12, 2015, I entered an order (DE 56) granting in part Plaintiff's motion for leave to file amended / supplemental complaint (DE 28) and striking Plaintiff's

proposed first amended complaint (DE 29). This order gave Plaintiff leave to file an amended complaint subject to certain limitations. DE 56 at 5-6.

Plaintiff was to file his amended complaint no later than March 16, 2015. DE 56 at 5. This due date was extended two times.<sup>1</sup> Plaintiff filed an amended complaint on April 6, 2015, wherein he names twenty-one (21) defendants. DE 74 / DE 76 ¶¶ 7-27.<sup>2</sup> Only five (5) of these defendants have appeared in this case: Russell, Berghuis, Schad, Lamb and Smith. *See* DE 13, DE 14, DE 18, DE 23 & DE 48.

Thus, sixteen (16) of the defendants named in the amended complaint have yet to appear. Along with the filing of his amended complaint, Plaintiff filed a request for entry of an order directing the U.S. Marshal to “to properly effect service on the remaining Defendants listed in this notice.” DE 75 at 3. According to Plaintiff, he has provided the Court with two (2) copies of his amended complaint, as well as sixteen (16) copies for service of process upon defendants who have yet to be served. DE 75 at 2 ¶ 5.

Upon consideration, Plaintiff’s April 6, 2015 request (DE 75) is GRANTED. Accordingly, the U.S. Marshal is DIRECTED to attempt service of a summons and

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<sup>1</sup>*See* DE 68, DE 72.

<sup>2</sup>The amended complaint was re-entered the following day (DE 76), as Page 20 was missing from the original filing (DE 74). Thus, future references will only be made to the corrected version filed on April 7, 2015 (DE 76).

amended complaint (DE 76) by mail upon the fifteen (15) Defendants who have been identified but have yet to appear: Prison Health Services, Corizon Health, Ducatt, Prasad, Jordan, Ouellette, Conklin, Ingraham, Stieve, Lindstrom, Croston, Parrish, Gracik, MDOC Bureau of Health Care Services and MDOC Pain Management Committee.

As for John Doe H.U.M., who is described as an MDOC BHCS Health Unit Manager (DE 76 ¶ 25), Plaintiff's attention is DIRECTED to this Court's February 13, 2015 order (DE 59 at 5) and March 17, 2015 order (DE 68 at 3), which respectively set March 2, 2015 and May 8, 2015 deadlines for informing the Court of the identity of this defendant. Should the May 8, 2015 deadline come and go with no information from Plaintiff, the Court will consider entry of a report recommending dismissal of this defendant.

**IT IS SO ORDERED.**

Dated: May 4, 2015

s/Anthony P. Patti  
Anthony P. Patti  
UNITED STATES MAGISTRATE JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was sent to parties of record on May 4, 2015, electronically and/or by U.S. Mail.

s/Michael Williams  
Case Manager for the  
Honorable Anthony P. Patti  
(313) 234-5200